

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	\$	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	YR.	DOCKET NUMBER
	YR.	NUMBER	MO.	DAY	YEAR											
1085/4	76	0183	76	22	76	1		710	1			backwages/ inj.	8509		76	0183-B

PLAINTIFFS

DEFENDANTS

USERY, W. J., JR., Secretary of Labor,
U. S. Department of Labor

Central Ambulance Service,
Inc., and E. Pat Mace,
Individually, president

CAUSE

Violating the provisions of section 15(a) (2) and 15(a) (5) of the Fair
Labor Standards Act of 1938 as amended, 29 U.S.C. Sec. 201., et seq.

Harvey M. Shapan, Wm. J. Kilberg **ATTORNEYS**
Ronald M. Gaswirth *in Washington*
William E. Everheart
Office of the Solicitor
U. S. Department of Labor
555 Griffin Square-Suite 501
Dallas, Texas 75202

~~749-3482~~ (FTS #)
729-4902

David H. Loeffler, Jr.
~~Loeffler & Loeffler~~
~~4150 S. Harvard, Suite G-2 & G-3~~
~~Tulsa, Ok. 74135~~
~~(749-4488)~~

Larry D. Henry
Eagleton, Eagleton & Owens, Inc.
1606 First Place
Tulsa, OK 74103
918/587-0021

☐ CHECK
HERE
IF CASE WAS
FILED IN
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PAUPERIS

FILING FEES PAID

DATE

RECEIPT NUMBER

C.D. NUMBER

STATISTICAL CARDS

CARD DATE MAILED

JS-5 5-1-76

JS-6 2-1-79

DATE	NR.	PROCEEDINGS
4-23-76	1	Complaint filed. Summons Issued.
4-23-76	2	Request for the production of Documents for Inspection and Copying, of Defendants.USM will serve.t
4-26	--	Return on U.S. Marshal's Service, Compl., Summons & Request for Prod. of Documents, filed. Served E. Pat Mace individually and as Pres. Agent of Central Ambulance Service, Inc., in Tulsa, OK, on 4-26-76, w/fees of \$16.96. v
6-17	MO	Case set for disposition on 7-12-76, 11:00 a.m. for failure of Deft. to answer, due 5-16-76.(AEB-J)b ntc by cert ml
6-28	3.	Pltf's request to enter default for failure of defts. to plead or otherwise defend w/affidavit of Harvey M. Shapan, filed.s
6-28	4.	Entry of default by clerk, filed. Default entered. (JCS-Clk)s
6-28	MO	Case stricken from disposition docket of 7-12-76 at 11:00 a.m. (AEB-J) cps mld.k
7-9	5	Appl. of defts. to vacate default judgment, filed. g
7-9	6	Brief in support of defts. to vacate default judgment, filed. g
7-12	MO	It is ordered by the Court that the pltf. file a responsive brief w/in ten days to defts' appl. to vacate default judgment. (AEB-J)k cps mld
7-26	7.	Pltf's memorandum in opposition to defts' appl. to vacate default judgment, filed.k
9-15	8.	Pltf's motion for judgment by default, filed with affidavit of Benjamin F. Furlong.k
9-23	9.	Order, filed, that defts' applic. to vacate is overruled & pltf's mo/default purs. to R. 55(b)(2) is set for hearing on 10-12-76 at 10:00 a.m. (AEB-J)hm (copies mailed by cert. mail)
10-6	10.	Defts' application to resist default judgment and to resist proposed findings of fact and conclusions of law, filed.s
10-6	--	Subpoena, ret & filed: Served E. Pat Mace on 10-6-76 at Tulsa, OK. (USM \$2.48)ph
10-7	MO:	Upon consideration of the application of defts. filed 10-6-76, it is granted and the Answer tendered by defts. is ordered filed and the case is stricken for the hearing scheduled 10-12-76, and pltf's motion for default is overruled as being moot in view of ans. being filed this date. (AEB-J)ph cps mld and parties called.
10-7	11.	Answer of defts., filed. ph
10-18	MO:	Parties are directed to hold PT conf. on or before 11-29-76 & file PT Order on or before 12-6-76. (AEB-J)k cps by cert ml
10-22	12.	Motion to strike case from pretrial docket, filed.lm 1-7
10-26	13.	Order, filed, striking case from pretrial docket of 10-15-76 to be set on next nonjury pretrial docket.s (AEB-J) cps. mld.
<u>1977</u>		
1-13	MO	Parties are directed to hold PT conf. on or before 2-25-77 & file PT Order on or before 3-4-77. (AEB-J)k cps mld
1-24	14.	Notices to take depositions of E. Pat Mace, Ed Compos, Lynn Corn, Eugene Latham, B. C. Jackman, Marlene Mathis, Tim Morelli, James Mike Moody, John Pojman, Patricia Posten, Bill Rogers, Mike Stumbo, Clyde Selsby, & Mike Zwingerberg, filed. Subpoenas issued.lm

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 76-C-183-B Sheet 2, Page 3 PAGE XXXXX OF XXXXX PAGES
W. J. Usery, Jr., Sec. of Labor		Central Ambulance Service, Inc., et al.	
DATE 77	NR.	PROCEEDINGS	
2-1	--	Return on U.S. Marshal's Service, Subpoenas, fld.	
2-8		Served Mr. Mike Zwingelberg, E. Pat Mace, Ed Compos, Eugene L. Latham, B. C. Jackman, Tim Morelli, John Pojman, Patricia Posten, Mike Stumbo, Clyde Selsby, and unable to serve Marlene Mathis, Lynn Corn, and Bill Rogers. TOTAL FEES: \$25.88. v Sub. ret. & filed unserved as to James Mike Moody. g	
2-14	15.	Notices to take depts. of E. Pat Mace, Patricia Posten, Marlene Mathis, B. C. Jackman, Ed Compos, Lynn Corn, Tim Morelli, Mile Stumbo, Mike Zwingelberg, Eugene Latham, Clyde Selsby, James Mike Moody, Bill Rogers, John Pojman, filed. lm	
2-25	16	Joint Appl. for ext of time to file PT order. fld. O to J. ho	
2-25	17	Order, fld. granting pltf. & deft. until 4-2-77 to file PT order. (AEB-J) cps mld. ho	
3-10	18	Pltf. request for the production of documents for inspection and copying. fld. ho	
3-10	19	Pltf. interrog. fld ho	
4-25	20	Pltf. notice to take deposition of Lynn Corn. fld. ho	
5-2		Depositions of Timothy L. Morelli, Michael R. Stumbo, Michael LLOYD Zwingelberg & Eugene N. Latham, taken on behalf of the Pltf. on Thursday, 2-24-77, before Evelyn E. Rutherford, CSR, w/fees of \$210.00 paid by Pltf. fld. Depositions of E. P. Mace & Patricia Posten Wilkers taken on behalf of the Pltf. on 2-23-77, before Evelyn E. Rutherford CSR, w/fees of \$141.00 paid by Pltf. fld. Depositions of Marlene Mathis, B.C. Jackman & Edward Compos, taken on behalf of the Pltf. on 2-23-77 before Evelyn E. Rutherford, CSR, w/fees of \$141.00 paid by Pltf. fld. Depositions of James Michael Moody & Billy Wayne Rogers, taken on behalf of the Pltf. on 2-23-77 before Evelyn E. Rutherford, CSR, W/fees \$174.00 paid by Pltf. fld. ho	
5-5	21	Pltf. mot. for an order compelling answers to interrog. and compelling the production of records. fld. O to J. ho	
5-5	22	Pltf. memorandum in supp. of mot. for an order compelling answers and the production of records. fld. ho	
5-5	MO	It is ordered by the Ct. that the Deft. file a responsive brief w/in 10 days to Pltf. mot. for an order compelling answers to interrog. & compelling the production of records. (AEB-J) cps mld. ho	
6-7	---	Dep. of Lynn Corn taken by Haavey M. Shapan and reported by Peter C. Stewart (CSR), filed. lm	
6-10	23.	Pltf's motion to strike pre-trial setting until completion of discovery, filed.k O to J	
6-13	MO	Case set for disposition on 7-7-77 at 10:00 a.m. for failure of defts. to respond to pltf's mot. for order compelling answers to interros. and for production of records. (AEB-J)k ntc by cert ml	
6-14	24.	Order, filed, that the parties complete all discovery within 60 days and file an agreed pretrial order 15 days after completion of discovery. No further extensions to be granted. (AEB-J)k cps mld	
6-22	25.	Pltf's motion for partial S/J, filed.k	
6-22	26.	Memorandum in support of pltf's mot. for partial S/J, filed.k	
6-22	MO	It is ordered by the Court that the defts. file a responsive brief within 10 days to pltf's mot. for partial S/J. (AEB-J)k cps mld	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-183</u> Sheet 2, Page 4 PAGE XXXX OF XXXX PAGES
W. J. Usery, Jr., Sec. of Labor		Central Ambulance Service, et al.	
DATE	NR.	PROCEEDINGS	
7-7		Case called for disposition for failure of defts to respond to Pltf's motion for order compelling answers to interrogatories & for production of records. Parties present. Deft. makes statement re client. Ct. gives deft. 10 days to comply or Court will take action. Pltf. states Deft. has not filed response to motion for partial S/J & asks motion be sustained. Deft. co. requests 10 add'l days to respond. Court allows. (AEB-J)b	
7-25	27.	Pltf's mot. for sanctions against defts., filed.k	
7-25	28.	Memorandum in support of pltf's mot. for sanctions, filed.k	
7-25	MO	It is ordered by the Court that the defts. are directed to file a response w/in 10 days to pltf's mot. for sanctions. (AEB-J)k cps mld	
8-2	29.	Appl. of Loeffler & Allen to withdraw as deft. counsel, filed.k	
8-3	--	Order, as part of appl., filed, allowing Loeffler & Allen to withdraw as deft. counsel. Deft. is ordered to obtain new counsel & have same make entry of appearance within 15 days, or Court will entertain mot. for default judgment. (AEB-J)k cps mld to counsel & to deft. by cert ml	
8-16	30	Entry of appearance of Larry D. Henry, for the firm Eagleton, Eagleton & Owens, Inc., for the Defts. fld. ho	
9-26	31	Defts. memorandum in opposition to Pltfs. mot. for partial S/J. fld. ho	
9-26	32	Defts. mot. for leave to amend. fld. ho	
9-27	MO	It is ordered that the Pltf. is granted 10 days to file a responsive brief to Defts. mot. for leave to amend. (AEB-J) cps mld. ho	
9-28	33	Affid. of E. Pat Mace in supp. of opposition to Pltfs. mot. for S/J. fld. ho	
10-13	34	Pltfs. response to Defts. mot. to amend ans. fld. ho	
10-20	35	Deft. ans. to Pltfs. interrog. fld. ho	
10-27	MO	Case referred to Mag. Robert S. Rizley pursuant to Order No. M-128. (AEB-J)k	
11-3	MO	Case set for hrg. before Mag. on pending mots. on 11-21-77 at 11:30 a.m. (RSR-Mag)k ntc by KT	
11-14	36	Deft. supplemental ans. to Pltfs. interrog. fld. ho	
11-17	37.	Resistance to Pltf.'s mot. for sanctions under Rule 37(b)(2), fld. by Defts. v	
11-17	38.	Aff. in support, fld. v -cps. to Mag.	
11-21	Min	Case called for hrg. on pending mots. before the Mag. Parties represented. Statements made. Exhibits offered and admitted into evidence. Witness Benjamin F. Furlong sworn and testifies. Mag. recommends that defts' mot. for leave to amend answer be sustained. Parties advise court that pltf's mot. to compel is moot. Pltf's mots. for partial S/J taken under advisement. Pltf's mot. for sanctions to be considered following disposition of the case on its merits. (RSR-Mag)k	
12-8	--	Pltf's exhibits 1 through 4 introduced into evidence at 11-21-77 hrg on mot. for S/J, filed.k	
12-8		Reporters transcript of mot. hrg. had on 11-21-77 before Mag. Robt. Rizley. (L.W.-LSR) fld. ho	
1978			
1-12	39	Stipulation, re: appl. of the fair labor standards act. fld. ho	
3-10	40	Pltf. request for admissions & interrog., fld. ho	
3-10	41	Supplemental stipulation, fld. ho	
3-24	MO	Mag. recommends that pltf's mot. for partial S/J be overruled & deft counsel is directed to prepare F&R and proposed order w/in 10 days. (RSR-Mag)k cps by KT	

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF Secretary of Labor		DEFENDANT Central Ambulance Service, et al	DOCKET NO. _____ PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1978			
4-19	42	Supplemental stipulation, fld. ho	
5-8	43	Findings & Recommendations of the Mag., filed. Mag. recommends that pltf's mot. for S/J be overruled. (RSR-Mag)k cps mld	
5-22	44	Order, fld. It is ordered that the Pltfs. mot. for partial S/J is overruled. (AEB-J)ho c/m	
8-3	45	Defts' first amended answer filed out of time with leave of Court. (AEB-J)k cps mld	
8-11	MO	Parties are directed to hold a pre-trial conf. on or before 9-29-78 & file an agreed pre-trial order on or before 10-6-78. (AEB-J)k ntc mld	
9-29	46	Defts. proposed PTO, fld. ho	
10-10	47.	Pltff's proposed pre-trial order, filed.k	
10-17	MO:	Case is set for non-jury trial on 11-20-78, at 10:00 A.M. (AEB-J)b nts cert. w/affid.	
11-7	MO:	It is ordered that this case is stricken from the non-jury docket set for 11-20-78, pending settlement. (AEB-J)ho c/m	
1-22-79	MO:	Case set for disposition before Mag. Rizley for failure to prepare settlement papers. (RSR-Mag) b nts mld	
1-29	48	Judgment, filed & entered, that defts. are permanently enjoined & restrained from violating the Fair Labor Standards Act of 1938, etc. Defts. are ordered to pay \$9,000 in 18 equal consecutive monthly installments to pltf., who shall make appropriate distribution to employees. In case of default by defts. of an installment, the total balance remaining unpaid shall become due & payable. Further, costs are taxed against defts. for which execution may issue. (AEB-J)k cps mld	
1980 8-6	--	DEPOSITIONS AND EXHIBITS returned to pltf. counsel. hm	

FPI-MAR

DEFENDANT

PAGE ____ OF ____ PAGES

NR.

PROCEEDINGS